

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JOSEPH TAYLOR,)	
)	
Plaintiff,)	
v.)	1:11-cv-1436-JMS-DKL
)	
CORIZON, INC., et al.,)	
)	
Defendants.)	

Entry Concerning Selected Matters

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The motions for appointment of counsel [dkt. 100 and dkt. 102] are denied as having been filed in the wrong forum.

2. The plaintiff's request to proceed on appeal *in forma pauperis* [dkt. 101] is **denied**. The reason for this ruling is that he is ineligible for this statute because of having acquired three or more "strikes" through having litigation to which he was a party in a federal court dismissed for failure to state a claim upon which relief could be granted or as frivolous.¹

Therefore, he is not entitled to proceed *in forma pauperis* unless the exception under 28 U.S.C. §

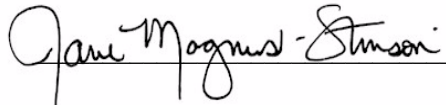
¹ In *Evans v. Illinois Department of Corrections*, 150 F.3d 810 (7th Cir. 1998), it was noted that a prisoner-litigant in these circumstances is entitled to know the cases the court relies on when making the three-strikes determination. For the plaintiff's reference, the cases on which the court relies in finding three or more "strikes" consist of the following:

- Taylor v. City of New Albany*, No. IP 91-607-C (S.D.Ind. September 27, 1991)(dismissal of action as frivolous)
- Taylor v. Gustafson*, No. IP 91-1251-C (S.D.Ind. November 14, 1991)(dismissal of action as frivolous)
- Taylor v. Faith*, No. IP 92-1426-C (S.D.Ind. October 27, 1992)(dismissal of action as frivolous)
- Taylor v. Faith*, No. IP 91-1734-C (S.D.Ind. January 14, 1992)(dismissal of action as frivolous)

1915(g), that he “is under imminent danger of serious physical injury,” applies. The Seventh Circuit has explained that “imminent danger” requires a “real and proximate” threat or prison condition. *See Ciarpaglini v. Saini*, 352 F.3d 328, 330 (7th Cir. 2003). The court has considered the record under review, as well as the request to proceed on appeal *in forma pauperis*, and finds that he is not under imminent danger of serious physical injury insofar as that term is used in 28 U.S.C. § 1915(g).

IT IS SO ORDERED.

Date: 11/20/2013


Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

Distribution:

Joseph A. Taylor
DOC # 905002
Pendleton Correctional Facility
Inmate Mail/Parcels
4490 West Reformatory Road
Pendleton, IN 46064

All Electronically Registered Counsel